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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

-oOo-

UNITED STATES OF AMERICA,

Plaintiff,

v.

RALPH PRIOLA

Defendant.

CASE NO. 2:13-CR-016-JAD-VCF

**UNOPPOSED MOTION TO  
CONTINUE SENTENCING**

COMES NOW, the United States of America, by and through ANDREW WEISSMANN,  
Chief, U.S. Department of Justice, Criminal Division, Fraud Section, and THOMAS B.W.  
HALL, Trial Attorney, U.S. Department of Justice, Criminal Division, Fraud Section, and moves  
to continue the sentencing hearing presently set for August 24, 2015, at the hour of 9:00 am.

The parties respectfully request this Honorable Court to continue the Sentencing Hearing  
until at least October 26, 2015 to allow time for the defendant to complete his cooperation in the  
case of *United States v. Markham*, Case No. 2:14-cr-00388-JCM-GWF, currently set for trial on  
September 28, 2015.

This is the sixth request for a continuance of this Sentencing date.

1 Pursuant to General Order No. 2007-04, this Stipulation is entered into for the following  
2 reasons:

3 1. The defendant has entered a plea agreement with the United States that requires the  
4 defendant to cooperate with the United States in connection with its ongoing investigation of a  
5 fraudulent scheme involving Las Vegas Home Owners Associations. The defendant has begun to  
6 cooperate with the United States in this investigation, which involves a number of potential co-  
7 conspirators and targets.

8 2. The defendant's Plea Agreement affords the defendant potential consideration for  
9 downward departures at the time of sentencing if the defendant has provided substantial  
10 assistance to the United States, including the possibility of a United States Sentencing Guideline  
11 (U.S.S.G.) § 5K1.1 Motion.

12 3. The United States anticipates at least one future trial related to this matter: *United*  
13 *States v. Markham*, Case No. 2:14-cr-00388-JCM-GWF, currently set for trial on September 28,  
14 2015. This trial may allow the defendant the opportunity to provide further cooperation as a  
15 witness, including the possibility of testifying at trial.

16 4. Counsel for the United States has spoken with counsel for the defendant and counsel  
17 has agreed that the requested continuance is in the best interest of justice, and counsel does not  
18 oppose the continuance sought herein. The defendant is not in custody.

19 5. Denial of this request for continuance would deny the parties sufficient time and  
20 opportunity to develop the defendant's cooperation against the related co-conspirators and  
21 targets and prepare related cases for prosecution.

22 6. Furthermore, denial of this request for continuance could result in a miscarriage of  
23 justice.

24 7. The United States also requests an order to exclude the additional time requested by  
25 this continuance in computing the time within which the trial herein must commence pursuant to  
26 the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), when considering the

factors under Title 18, United States Code, Section 3161(h)(7)(B)(I) and 3161(h)(7)(B)(iv).

DATED this 17th day of July 2015.

Respectfully submitted,

ANDREW WEISSMANN  
Chief, U.S. Department of Justice  
Fraud Section, Criminal Division

/s/ Thomas B.W. Hall  
THOMAS B.W. HALL  
Trial Attorney, U.S. Dept. of Justice  
Criminal Division, Fraud Section

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

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Defendant.

CASE NO. 2:13-CR-016-JAD-VCF

**PROPOSED ORDER**

**FINDINGS OF FACT**

Based on the Government's pending Unopposed Motion to Continue Sentencing, and good cause appearing therefore, the Court hereby finds that:

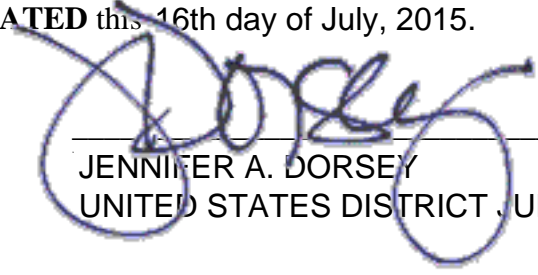
1. The parties are in agreement to continue the Sentencing date as presently scheduled.
2. This Court is convinced that an adequate showing has been made that to deny this request for continuance, taking into account the exercise of due diligence, would deny the United States sufficient time to be able to effectively prepare for the co-conspirator and target trials and would bar the defendant from the opportunity to cooperate and potentially receive downward departures at the time of sentencing. This decision is based on the following findings:
  - a. The defendant agreed in his plea agreements to cooperate against his coconspirators in any related indictments and trials.
  - b. The United States agreed to consider downward sentencing concessions for the defendant's cooperation, including possible U.S.S.G. 5K1.1 Motions if substantial assistance resulted from such cooperation.

- c. The United States anticipates that the defendant may be called to testify  
*United States v. Markham*, Case No. 2:14-cr-00388-JCM-GWF, currently set  
for trial on September 28, 2015.
  - d. The parties need additional time to prepare the defendant's cooperation  
against other co-conspirators and targets.
  - e. The defendant does not object to the continuance.
  - f. The defendant is out of custody.
3. For all the above-stated reasons, the ends of justice would best be served by  
continuing the Sentencing date.
  4. The additional time requested by this Stipulation is excludable in computing the time  
within which the trial herein must commence pursuant to the Speedy Trial Act, 18  
U.S.C. Section 3161(h)(8)(A), considering the factors under 18 U.S.C. Sections  
3161(h)(8)(B)(I) and (v).

**ORDER**

**IT IS THEREFORE ORDERED** that the Sentencing date currently set for August 24, 2015, is vacated and is continued. This delay is excluded from the time within which the trial must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A). It is further ordered that the defendant's sentencing hearing is set for October 26, 2015, at 9:00 a.m. in Courtroom #6D.

**DATED** this 16th day of July, 2015.

  
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JENNIFER A. DORSEY  
UNITED STATES DISTRICT JUDGE